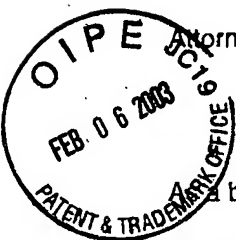


PTO/SB51 (02-01)

Attorney's Docket No.: 42390.P3817CR

Patent

#7/Suppl.
Decl.
Marshall
2/14/03

SUPPLEMENTAL REISSUE DECLARATION

I, a below named inventor, we hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in U.S. Patent Number 5,742,543, granted on April 21, 1998, and for which a reissue patent is sought on the invention entitled:

A FLASH MEMORY DEVICE OF CAPABLE OF SENSING A THRESHOLD VOLTAGE OF
MEMORY CELLS ON A PAGE MODE OF OPERATION

(Title)

the specification of which

_____ is attached hereto.
☒ was filed on (MM/DD/YYYY) 02/21/2002 as a Reissue Application of
 U.S. Patent No. 5,742,543
 _____ United States Application Number _____
 _____ or PCT International Application Number _____
 _____ and was amended on (MM/DD/YYYY) _____
 (if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified patent, including the claim(s), as amended by any amendment referred to above.

We acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

We verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below (Check all that apply):

- _____ By reason of a defective specification or drawing.
☒ By reason of the patentee claiming more or less than he had the right to claim in the patent.
 _____ By reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Issued claims 17 includes "a plurality of voltages" limitation, which fails to cover certain aspects of certain embodiments of the invention with enough particularity to overcome prior art. Issued claim 18 includes "means coupled to the storing means for determining the data stored in the storing means by sensing the adjustable threshold voltage" limitation, which fails to cover certain aspects of certain embodiments of the invention with enough particularity to overcome prior art.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

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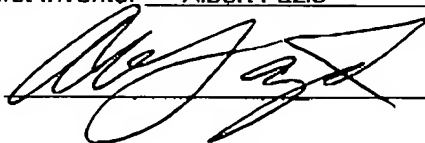
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Albert Fazio

Inventor's Signature



Date

1/23/03

Residence

Saratoga, California
(City, State)

Citizenship

USA

(Country)

Post Office Address

19900 Douglass Lane
Saratoga, California

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TC 2800 MAIL ROOMAPPENDIX ATitle 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing

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information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.